

MEMO ENDORSED

KRAVIT / SMITH

Philip M. Smith
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November 28, 2023

VIA ECF

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/28/2023

**Re: *CityLights Distribution, LLC v. FanX, Inc.*, Case No. 1:23-cv-08397-VEC –
Request to Adjourn Pre-Trial Conference**

Dear Judge Caproni:

This firm represents Plaintiff CityLights Distribution, LLC (“CityLights”). I write to request that the Court adjourn both the Initial Pre-Trial Conference currently scheduled for December 8, 2023 and Your Honor’s related order to submit a Joint Letter and proposed Civil Case Management Plan and Scheduling Order by November 30, 2023 because Defendant FanX, Inc. (“FanX”) has not appeared in this action yet.

FanX, Inc. was served with the Summons and Complaint on October 5, 2023 but has not yet appeared or responded to the Complaint. Pursuant to Your Honor’s direction, CityLights filed a proposed Order to Show Cause for a default judgment and support papers on November 20, 2023. Your Honor signed the Order to Show Cause on November 21, 2021 and scheduled the show cause hearing for December 21, 2023. FanX was served with the signed Order to Show Cause and supporting papers by email and Federal Express next day delivery on November 21, 2023. I separately sent an email to FanX’s CEO, Andrew Won, on November 21, 2023 requesting his consent to adjourn the Initial Pre-Trial Conference to the show cause hearing date or thereafter. Mr. Won is an attorney but has not responded to that request.

In light of FanX’s non-appearance and CityLights’ inability to coordinate a Joint Letter and proposed CMP and Scheduling Order, we respectfully request that the Initial Pre-Trial Conference be adjourned without date pending FanX’s appearance in this action.


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Respectfully submitted,

KRAVIT SMITH LLP

By: 
Philip M. Smith

cc: Andrew Won, Esq. (by email)

Application GRANTED. The Initial Pretrial Conference scheduled for December 8, 2023 and the associated deadlines to submit a Joint Letter and Case Management Plan are canceled *sine die*, in light of the hearing on the order to show cause why default judgment should not be entered on **December 21, 2023**.

SO ORDERED.



11/28/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE